

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Box Elder Creek Fence
Proposed Implementation Date:	Summer 2017
Proponent:	Jim Brady
Location:	T 16N R 26E Section 36
County:	Petroleum
Trust:	Common Schools

I. TYPE AND PURPOSE OF ACTION

Jim Brady has requested to build a fence approximately 1.31 miles long on state lease 8993. The purpose of the fence is to keep cattle off the creek for better grazing distribution and to protect the riparian area.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

Department of Natural Resources and Conservation (DNRC)
Northeastern Land Office (NELO)
Jim Brady (Proponent)
Montana Sage Grouse Habitat Conservation Program (MSGOT)

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

The DNRC, and NELO have jurisdiction over this proposed project.

DNRC is not aware of any other agencies with jurisdiction or other permits needed to complete this project

3. ALTERNATIVES CONSIDERED:

Alternative A (No Action) – Under this alternative, the Department does not grant permission to build the fence.

Alternative B (the Proposed Action) – Under this alternative, the Department does grant permission to build the fence.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

Very minimal surface disturbance is associated with the proposed project.

No cumulative effects to geology and soil quality, stability and moisture are anticipated.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

No cumulative effects to the water resources are anticipated.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

The air quality in the area will not be affected.

No cumulative effects to air quality are anticipated.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

Surface disturbance for the project will be minimal.

No rare plants or cover types are present.

No long term cumulative effects to vegetation are anticipated.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

The project area has a portion that lies with the Greater Sage-grouse core area (see attached map). The nearest lek is 2.6 miles to the west of the project area.

No cumulative effects are anticipated.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

A search of the Montana Natural Heritage Program for Species of Concern with a state rank of 2 or higher was conducted in the township that includes the area of potential effect. (State rank of 3 means potentially at risk because of **limited** and/or **declining** numbers, range and/or habitat, even though it may be abundant in some areas.)

Species of Concern										
2 Species										
Filtered by the following criteria:										
State Rank = S1 or S2										
Township = 016N026E (based on mapped Species Occurrences)										
BIRDS (AVES)										1 SPECIES
STATE RANK = S1 or S2 TOWNSHIP = 016N026E (based on mapped Species Occurrences)										
SCIENTIFIC NAME COMMON NAME TAXA SORT	FAMILY (SCIENTIFIC) FAMILY (COMMON)	GLOBAL RANK	STATE RANK	USFWS	USFS	BLS	FWP SWAP	% OF GLOBAL BREEDING RANGE IN MT	% OF MT THAT IS BREEDING RANGE	HABITAT
<i>Centrocercus urophasianus</i> Greater Sage-Grouse	Phasianidae Upland Game Birds	G3G4	S2		SENSITIVE	SENSITIVE	S6CN2	17%	75%	Sagebrush
Species Occurrences verified in these Counties: Beaverhead, Big Horn, Blaine, Bowman, Butte, Carbon, Carter, Chouteau, Custer, Dawson, DeWitt, Fallon, Fergus, Glacier, Golden Valley, Harding, Hill, Judith, McCone, Mineral, Musselshell, Park, Petroleum, Phillips, Powder River, Prairie, Rosebud, Silver Bow, Stillwater, Sweet Grass, Treasure, Valley, Wheatland, Wibaux, Yellowstone										
AMPHIBIANS (AMPHIBIA)										1 SPECIES
STATE RANK = S1 or S2 TOWNSHIP = 016N026E (based on mapped Species Occurrences)										
SCIENTIFIC NAME COMMON NAME TAXA SORT	FAMILY (SCIENTIFIC) FAMILY (COMMON)	GLOBAL RANK	STATE RANK	USFWS	USFS	BLS	FWP SWAP	% OF GLOBAL BREEDING RANGE IN MT	% OF MT THAT IS BREEDING RANGE	HABITAT
<i>Anaxyrus cognatus</i> Great Plains Toad	Bufonidae True Toads	G5	S2		SENSITIVE	SENSITIVE	S6CN2	8%	62%	Wetlands, floodplain pools
Species Occurrences verified in these Counties: Big Horn, Blaine, Carter, Cascade, Chouteau, Custer, Garfield, Golden Valley, Lewis and Clark, McCone, Musselshell, Petroleum, Phillips, Powder River, Prairie, Rosebud, Sheridan, Stillwater, Teton, Valley, Yellowstone										

The listed species that came up on the search is the Greater Sage-Grouse & Great Plains Toad.

The project was submitted to MSGOT and they found this project to be exempt from the Executive Order as long as the fence is fitted with visibility markers where high potential for sage grouse collision has been documented.

To mitigate any potential negative effects on the species the fence will be 1) constructed outside of the nesting season (1 March to 15 July) and 2) the fence will be marked to reduce collisions. Fence marking will be white vinyl fence markers (3 inch segments) and spaced on the top wire every 3 to 4 feet.

The Great plains toad may benefit from less grazing adjacent to the riparian area.

There are no known unique, endangered, fragile or limited environmental resources on this site.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

A search on the Montana Historical Society historic preservation site was conducted on 1/4/2016 and no historical or archaeological site was present.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

No direct or cumulative effects to aesthetics are anticipated.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

No demands on limited resources are required for this project.

No direct or cumulative effects to environmental resources are anticipated.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

There are no other projects or plans being considered on the tracts listed in this EA Checklist.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES* potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain **POTENTIAL IMPACTS AND MITIGATIONS** following each resource heading.
- Enter "NONE" if no impacts are identified or the resource is not present.

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

This project will have no cumulative effect on human health and safety.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

This project will add to existing agricultural activities in this area.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

The project will not create any new long term jobs.

No cumulative effects to the employment market are anticipated.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

No cumulative effects to the local and state tax base are anticipated.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

There will not be any increases in traffic or traffic patterns if this project is approved.

There will be no direct or cumulative effects on government services.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

There are no zoning or other agency management plans affecting this project.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

There will be no direct or cumulative effects on recreation or wilderness activities.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing

The proposed project does not include any changes to housing or developments. Population and housing will not be affected.

No direct or cumulative effects to population or housing are anticipated.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

There are no native, unique or traditional lifestyles or communities in the vicinity that would be impacted by the proposal.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

The proposed project will have no effect on any unique quality of the area.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

The proposed project will not have any cumulative economic or social effect.

**EA Checklist
Prepared By:**

Name: Brandon Sandau
Title: Land Use Specialist

Signature:



Date: March 31, 2017

V. FINDING

25. ALTERNATIVE SELECTED:

I have selected the Proposed Alternative B, and recommend the proponent be granted permission to build the fence within the terms of the two mitigating factors detailed in section 9 of this document.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I have evaluated the potential environment effects and have determined that no negative long-term environmental impacts will result from the proposed activity.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

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EIS

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More Detailed EA

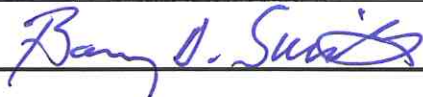
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XXX No Further Analysis

**EA Checklist
Approved By:**

Name: Barny D. Smith
Title: Unit Manager, Northeastern Land Office

Signature:



Date: March 31, 2017

MONTANA SAGE GROUSE HABITAT CONSERVATION PROGRAM



STEVE BULLOCK, GOVERNOR

1539 ELEVENTH AVENUE

STATE OF MONTANA

PHONE: (406) 444-0554
FAX: (406) 444-6721

PO BOX 201601
HELENA, MONTANA 59620-1601

Project No. 1486661691629
Governor's Executive Orders 12-2015 and 21-2015
Jim Brady Fence

Brandon Sandau
613 N. E. Main
Lewistown, MT 59457

March 28, 2017

Dear Mr. Sandau,

The Montana Sage Grouse Habitat Conservation Program received a request for consultation and review of your project or proposed activity on February 9, 2017 with additional project related information necessary to complete our review received on February 14, 2017. Based on the information provided, all or a portion of this project is located within a Core Area for sage grouse.

Executive Orders 12-2015 and 21-2015 (EO) set forth Montana's Sage Grouse Conservation Strategy. Attachment F of the EO allows for certain exempt activities including modifications to existing fence as long as the fence is fitted with visibility markers where high potential for sage grouse collision has been documented.

Montana's goal is to maintain viable sage grouse populations and conserve habitat so that Montana maintains flexibility to manage our own lands, our wildlife, and our economy and a listing under the federal Endangered Species Act is not warranted in the future.

The program has completed its review, including:

Project Description:

Project Type: Fence
Project Disturbance: 1.31 Miles
Time Frame: 2017
Disturbance Duration: Temporary



Hosted by the Montana Department of Natural Resources and Conservation
Director's Office: (406) 444-2074



Project Location:

Legal: Township 16 North, Range 26 East, Section 36

County: Petroleum

Ownership: State Trust Land

Executive Orders 12-2015 and 21-2015 Consistency:

The project proposes to install a fence on State Trust Land in a designated Core Area for sage-grouse.

The lease holder proposes to install a four-strand barb wire fence to separate pastures and better distribute livestock. The fence will include sage grouse fence markers to reduce sage grouse fence collision.

Based on the information you provided, your project is not within two miles of an active sage-grouse lek.

Density Disturbance Calculation Tool (DDCT) Analysis:

The DDCT is not necessary for this project because the activity is exempt per the EO. Further, the Program finds the activity would not result in direct habitat loss. The proponent has agreed to install fence markers to reduce impacts to sage grouse.

Conclusions:

The activity described for the Jim Brady Fence Project is exempt from stipulations per the EO. Your proposed project or activity may need to obtain additional permits or authorizations from other Montana state agencies or possibly federal agencies. They are very likely to request a copy of this consultation letter, so please retain it for your records.

Please be aware that if the location or boundaries of your proposed project or activity change in the future, or if new activities are proposed within one of the designated sage grouse habitat areas, please visit <https://sagegrouse.mt.gov/projects/> and submit the new information.

Thanks for your interest in sage grouse and your commitment to taking the steps necessary to ensure Montana's Sage Grouse Conservation Strategy is successful.

Sincerely,



Carolyn Sime

Montana Sage Grouse Habitat Conservation Program Manager



cc: Shawn Thomas
DNRC-Trust Land Management Administrator
P.O. Box 201601
Helena, MT 59620-1601

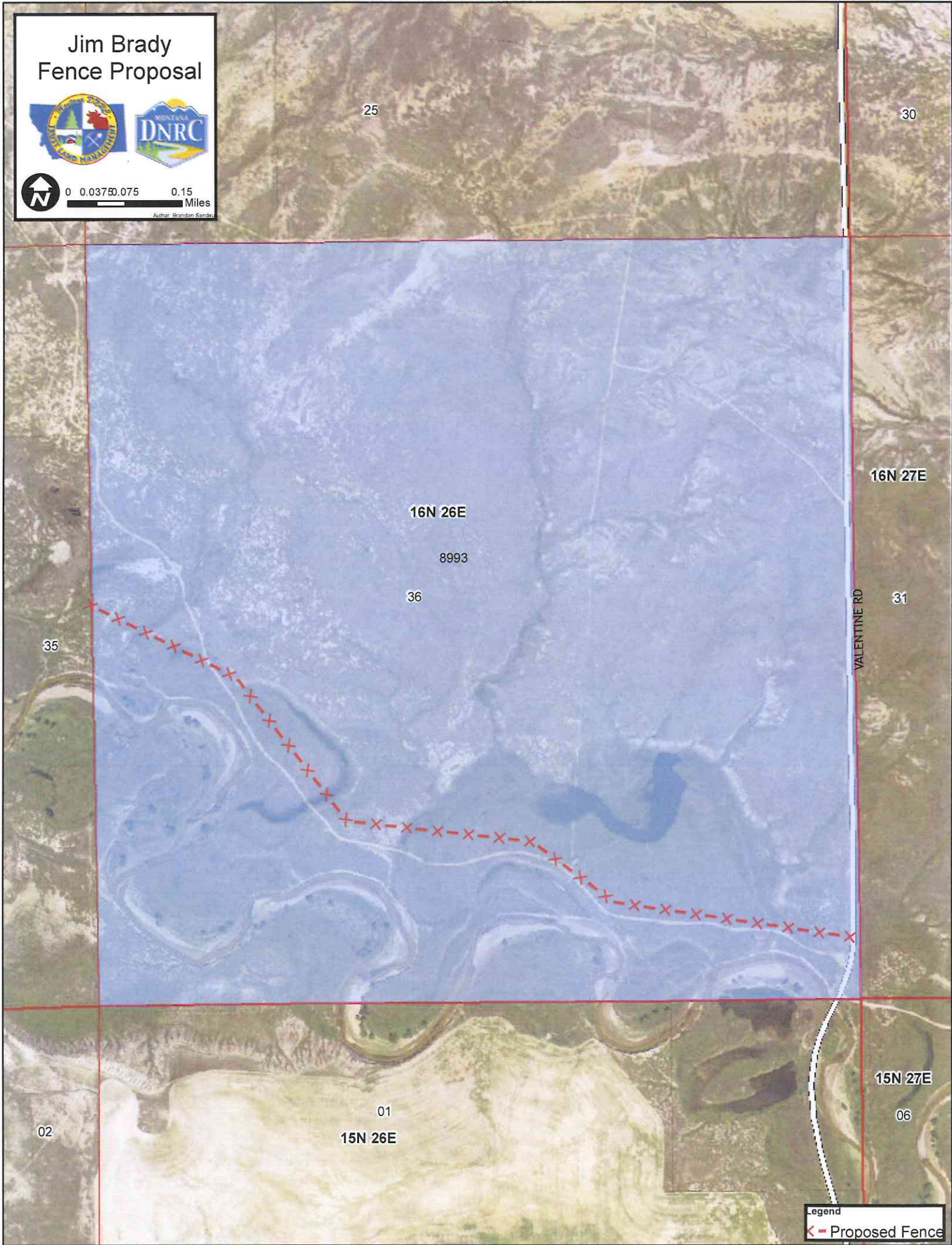


Jim Brady Fence Proposal



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Miles

Author: Brandon Sandhu



Legend
- Proposed Fence